

DEPARTMENT OF SOCIAL SERVICES

700 P Street, Sacramento, CA 95814



December 28, 1982

ALL COUNTY INFORMATION NOTICE I - 164-82

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: EMERGENCY RESPONSE POLICY-CHAPTER 461 (AB 2449)

Questions have been raised regarding the possible impact of AB 2449 (Chapter 461 1982 statutes) on the Department's emergency response policies. This ACIN is to advise you that there has been no change in the policy set forth in ACL 81-40, and this new law should have no substantial impact on the Emergency Response Program.

AB 2449 provides that a peace officer may take a child suspected to come under W & I Code Section 300 directly to an emergency shelter care facility. It also revised Section 328 of the W & I Code to provide that an investigation by the probation officer was not necessary unless requested by the facility. It was this revision that has caused concern that the CWD staff would not be advised of the child's placement in emergency shelter care and an investigation of the need for services would not be made by the proper authorities.

SB 14 (Chapter 978) also revised Section 328, and supersedes the provisions of AB 2449. SB 14 eliminated the statement that an investigation need not be made. Rather, it states that an investigation shall be made immediately by the probation officer upon referral.

Further, there are no provisions in AB 2449 which would remove the requirement by the Child Abuse Reporting Law (Penal Code 11166) that (1) a law enforcement agency report suspected child abuse/neglect to the CWD and (2) that employees of child care facilities report suspected cases of child abuse. Responsibilities of all parties, therefore, remain the same: Law enforcement to remove the child if necessary and report such action to the CWD; the child care facility to report suspected cases of abuse to either law enforcement or the CWD; the CWD to respond to referrals and make an evaluation (assessment) of the situation.

AB 2449 also requires that facilities receiving referrals by a peace officer have a contract or agreement with the city or county to provide emergency shelter care or counseling. Notwithstanding the provisions of the Child

Abuse Reporting Law, it is recommended that the contract or agreement between the CWD and the facility contain specific provisions requiring immediate notice by the facility to the CWD of any referrals made to the facility by law enforcement.

Any further questions regarding emergency response policies should be directed to your program Management Consultant at (916) 445-7653 or ATSS 485-7653.

Sincerely,



FOR CLAUDE FINN
Deputy Director
Adult and Family Services Division

cc: CWDA